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7 WILSON AND PERCY MCGEE

8  
9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**  
11

12 TIM GALLI,

13 Plaintiff,

14 vs.

15 PITTSBURG UNIFIED SCHOOL  
DISTRICT, BARBARA WILSON AND  
16 PERCY MCGEE,

17 Defendants.  
18

CASE NO. 3:09-cv-03775-JSW

**JOINT STIPULATION AND [PROPOSED]  
ORDER TO GRANT DEFENDANTS THE  
RIGHT TO AMEND THEIR ANSWER**

Trial Date: None Set

19 **SUBJECT TO THE APPROVAL OF THIS COURT, THE PARTIES HEREBY**  
20 **STIPULATE TO THE FOLLOWING:**

- 21 1. On December 10, 2009, Defendants submitted their answer to Plaintiff's First  
22 Amended Complaint in the above-referenced matter.
- 23 2. On December 11, 2009, all parties, through their respective counsel of record,  
24 engaged in the Rule 26 conference telephonically to discuss those items required by Rule 26(f)  
25 including initial disclosures, early settlement, ADR process selection, and a discovery plan for the  
26 above-referenced matter.
- 27 3. On December 18, 2009, all parties, through their respective counsel of record,  
28 engaged in a follow-up teleconference to further discuss a discovery plan for the above-referenced

1 matter.

2 4. As part of the outcome of those two teleconferences, and subject to the Court's  
3 approval, Plaintiff has agreed to dismiss any and all state law claims remaining in the above-  
4 referenced matter with prejudice in this Court only solely for convenience of the parties and  
5 without any prejudice to filing of said claims in any other court. Plaintiff has informed  
6 Defendants of his intention to re-file all remaining state law claims in state court along with his  
7 other state law claims that this Court previously dismissed based on Eleventh Amendment  
8 immunity.

9 5. The parties have agreed that in light of Plaintiff's dismissal of all remaining state  
10 law claims, Defendants shall be afforded the right to amend their answer within ten (10) days  
11 following the Court's approval of this Stipulation.

12 **SO STIPULATED.**

13 DATED: December 29, 2009

Respectfully submitted,

14 FAGEN FRIEDMAN & FULFROST, LLP

15  
16 By: /s/ Roy A. Combs

Roy A. Combs

17 Attorneys for Defendants PITTSBURG UNIFIED  
18 SCHOOL DISTRICT, BARBARA WILSON  
19 AND PERCY MCGEE

20 DATED: December 29, 2009

Respectfully submitted,

21 THE EMPLOYMENT LAW GROUP, P.C.

22  
23 By: /s/ David Scher

David Scher

24 Attorneys for Plaintiff TIM GALLI  
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~~[PROPOSED]~~ ORDER

IT IS HEREBY ORDERED, pursuant to the above Stipulation of the parties, that Plaintiff's remaining state law claims have been dismissed by Plaintiff with prejudice and that Defendants shall be afforded the right to amend their answer within ten (10) days following the issuance of this Order.

DATED: January 4, 2010

  
Hon. Jeffrey S. White  
UNITED STATES DISTRICT JUDGE

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